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December 9, 2022

The Honorable Vernon S. Broderick  
Thurgood Marshall  
United States Courthouse  
40 Foley Square  
New York, NY 10007

***Re: 1:22-cv-07794-VSB; Plaintiff's Request for an Extension of Time Within Which to Effectuate Service on Defendant***

Dear Judge Broderick,

The James Law Firm, PLLC represents Plaintiff in the above captioned matter. This matter has been filed as a John Doe against the internet subscriber assigned the referenced IP address. Plaintiff respectfully requests an extension of the time within which to effectuate service on John Doe.

On September 12, 2022, Plaintiff filed the instant case against John Doe subscriber assigned IP address 142.255.7.113 claiming Defendant's direct infringement of Plaintiff's works through BitTorrent protocol [CM/ECF 1].

On September 20, 2022, Plaintiff filed a Motion for Leave to Serve a Third-Party Subpoena Prior to a Rule 26(f) Conference in order to serve a third party subpoena on Defendant's ISP ("Motion"). [CM/ECF 6].

On October 13, 2022, the Court granted Plaintiff leave to serve a third-party subpoena [CM/ECF 8]. Plaintiff served Defendant's ISP with a third-party subpoena on or about October 17, 2022, and in accordance with the time allowances provided to both the ISP and Defendant, expects to receive the ISP response on or about December 26, 2022.

Pursuant to Fed. R. Civ. P. Rule 4(m), Plaintiff is required to effectuate service on the Defendant no later than December 11, 2022. Because Plaintiff does not expect to receive the ISP response until December 26, 2022, and Defendant's identity is unknown to Plaintiff, Plaintiff is unable to comply with the current deadline to effect service of process.

Plaintiff respectfully requests that the deadline to effect service be extended for sixty (60) days from December 26, 2022 (the date Plaintiff expects to receive the ISP response), and thus

the deadline to effect service be extended to February 24, 2023. This extension should allow Plaintiff time to receive the ISP response, to conduct a further investigation to assist in determining whether the individual identified by the ISP is the appropriate defendant for this action, and, if a good faith basis continues to exist, to proceed against that individual (or someone else), amend the Complaint to name the Defendant and attempt to effect service of process on that individual.

For the foregoing reasons, Plaintiff respectfully requests that the time within which it has to effectuate service of the summons and Amended Complaint on Defendant be extended to February 24, 2023.

Respectfully Submitted,

By: /s/Jacqueline M. James  
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